

ARTICLE 16

LEAVES OF ABSENCE

A. Eligibility.

1. Employees shall have the right to request a leave of absence without pay in accordance with the provisions of this Article after the successful completion of their initial probationary period.
2. Employees may also be eligible for a leave of absence in accordance with provisions of the Family and Medical Leave Act (see Letter of Understanding). Provisions of the Act, that may run concurrent to the provisions of this Article, shall not diminish the provisions of the Article.

B. Request Procedure.

Any request for a leave of absence without pay shall be submitted in writing by the employee to the employee's immediate supervisor at least, except under emergency circumstances, thirty (30) calendar days in advance of the proposed commencement of the leave of absence being requested.

The Appointing Authority shall furnish a written response as follows: Requests for leaves of absence not exceeding one (1) month shall be answered within ten (10) working days after receipt of the request.

Requests for a leave of absence exceeding one (1) month shall be answered within twenty (20) working days.

C. Approval.

Except as otherwise provided in this Agreement, employees may be granted the privilege of a leave of absence without pay at the discretion of the Appointing Authority. The Employer shall consider its operational needs, the employee's length of service, performance record and leave of absence history in reviewing requests for a leave of absence. Appointing Authority determinations under this Section shall not be arbitrary, discriminatory or capricious.

An employee may elect to carry a balance of annual leave during a leave of absence. Such leave balances shall be made available to the employee upon return from a leave of absence but may be utilized only with prior approval of the Appointing Authority.

Payment for annual leave due an employee who fails to return from a leave of absence shall be at the employee's last rate of pay.

1. Educational Leaves of Absence. The Employer may approve an individual employee's written request for a full-time educational leave of absence without pay for an initial period of time up to two (2) years to work toward an Associates Degree or a Baccalaureate Degree and/or any advanced degree. To qualify for such an educational leave, the employee must be admitted as a full-time student as determined by the established requirements of the education institution relating to full-time status. Before the leave of absence can become effective, proof of enrollment must be submitted by the employee to his/her Appointing Authority. At the request of the Employer, the employee shall provide evidence of continuous successful full-time enrollment in order to remain on or renew such leave. Such education shall be directly related to the employee's field of employment. Such employee may return early from such a leave upon approval by the Employer. The Employer shall approve or deny the request for leave of absence without undue delay. Any denial shall include a written explanation of the denial, if requested by the employee.

The Employer may approve a leave of absence for an additional educational purpose under the conditions described in this Section.

2. Medical Leaves of Absence. Upon depletion of accrued sick leave, an employee, upon request, shall be granted a leave of absence including necessary extensions for a period of up to six (6) months upon providing required medical information, for personal illness, injury or temporary disability necessitating his/her absence from work, if that employee is in satisfactory employment status. This grant shall only apply when the employee has had less than six (6) months medical leave of absence within the preceding five (5) years. Time off on medical leave of absence due to an employee's pregnancy shall not be counted against the grant. An employee whose initial leave including any extensions totals less than the six (6) month period shall be granted a subsequent leave(s) up to a cumulative total of six (6) months for all such leaves. In all other cases an employee may be granted such leave for the above reasons. Such leave may be granted for a period of up to six (6) months upon providing required medical information. The employee's request shall include a written statement from the employee's physician indicating the specific diagnosis and prognosis necessitating the employee's absence from work and the expected return to work date.

In addition to the operational needs of the Employer and the employee's work record, the Employer in considering requests for extension will consider verifiable medical information that the employee can return at the end of the extension period with the ability to perform the essential job duties.

Request for medical leave of absence after return from injury or illness due to complications and/or a relapse shall be considered as a medical leave extension request provided that this type of extension is requested within thirty (30) days of return from original leave.

Prior to returning to work from a medical leave of absence, the employee will be required to present medical certification of his/her fitness to resume performing the essential job duties.

The Employer reserves the right to have the employee examined by a physician selected and paid by the Employer for the employee's initial request, extension and/or return to work.

When an employee with five (5) or more years of continuous service is denied a medical leave of absence, a medical layoff shall be entered onto the employee's employment history rather than a separation for denial of medical leave. The Employer shall notify the employee in writing of his/her recall rights in accordance with the provisions expressed in Section C.2. of this Article and in accordance with Article 12 upon providing medical certification within two (2) years of the date of denial of the employee's ability to return to their regular job responsibilities.

This option may only be exercised once. Employees recalled under this provision shall not have such time treated as a break in service.

3. Military Leave. Whenever an employee enters into the active military service of the United States, the employee shall be granted a military leave as provided under Civil Service Commission Rule and the applicable federal statutes.

4. Leave for MSEA Office. The Employer shall grant requests for leaves of absence to employees in these representational Units upon written request of MSEA and upon written request of the employee, subject to the following limitations:

- a. The written request of MSEA shall be made to the employee's Appointing Authority and shall indicate the purpose of the requested leave of absence.
- b. If the requested leave of absence is for the purpose of permitting the employee to serve in an elective or appointive office with MSEA, the request shall state what the office is, the term of such office and its expiration date. This leave may cover the period from the initial date of election or appointment through the expiration of the first full term of office.
- c. If the requested leave of absence is for the purpose of permitting the employee to serve as a Staff Representative for MSEA, such leave shall be for a minimum of six (6) months renewable upon request of the employee, but shall not exceed three (3) years.

5. Waived Rights Leave of Absence. The employee may request a waived rights leave of absence of up to one (1) year in those situations when an employee must leave his/her position for reasons beyond his/her control and for which a regular leave of absence is not granted. Under such requests, the privacy of the employee will not be violated. Employees do not have the right to return to State service at the end of a waived rights leave of absence but will have the continuous nature of their service protected, provided they return to work prior to the expiration of such leave. All requests for a waived rights leave of absence must be made to the employee's Appointing Authority in writing specifying the reason for the request. An employee granted a waived rights leave of absence may not carry any annual leave balance during such leave. The employee shall receive and be required to sign a written explanation containing the following statement of conditions for a waived rights leave of absence:

"I understand that this leave is granted for the sole purpose of protecting my continuous service record and I waive all rights to return to employment at the expiration of the leave."

6. Maternity/Paternity Leave. Upon written request an employee shall, after the birth of his/her child, or adoption of an infant under twelve (12) months of age, be granted maternity/paternity leave for up to six (6) months. Maternity leave shall commence immediately following the mother's medical leave or upon adoption of an infant under twelve (12) months of age. Paternity leave shall commence no later than six (6) weeks following delivery or upon adoption of an infant under twelve (12) months of age. The Employer may grant an extension of such leave upon the request of the employee, based on operational needs of the Employer.

D. Return from Leave of Absence.

1. An employee returning from an approved leave of absence of six (6) months or less (other than waived rights) will be restored to a position in the employee's same classification and previous work site.
2. An employee returning from an approved leave of absence of more than six (6) months (other than a waived rights) will be restored to a position in the employee's same classification and previous work location.

Where there is more than one work site in a work location, the Employer will make a good faith effort to return the employee to their former work site or to as close a work site as possible.

3. An employee who requests an earlier return to work prior to the expiration of the approved leave (other than waived rights) may do so only with the approval of the Appointing Authority.

For an employee who is approved to return early, the provisions of Sub-section 2. above will apply.

E. School Participation Leave.

1. **Intent.** The parties recognize the positive role parental and other adult involvement in school activities plays in promoting educational success. The parties intent of this section is to foster employee involvement in educational programs.

2. **Leave Credits.** Effective October 1, 1996, permanent non-probationary employees shall annually receive eight (8) hours of paid school participation leave to be used in accordance with normal requirements for annual leave usage, provided, however, that such leave may be utilized in increments of one (1) hour if requested. School participation leave shall be credited to employees on each October 1, and shall not carry forward beyond the fiscal year.

3. **Leave Usage.** Employees may use the leave to participate in any educational activity including but not limited to, tutoring, field trips, classroom programs, extra-curricular educational activities, school committees, including preschool and K-12 programs.

The use of the leave is intended for active participation in school programs and not for mere attendance at curricular or extra-curricular activities.

To request school participation leave, employees shall complete a School Participation Leave form provided by the Employer.